

the costs and disbursements accrued and tendered exceed the amount of the defendant's costs and disbursements, the court shall enter judgment against the defendant for such excess. If the amount of the defendant's costs and disbursements exceed the amount recovered by the plaintiff, and his costs and disbursements accrued and tendered, the court shall enter judgment against the plaintiff for such excess.

When act to  
take effect.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 6, 1877.

## CHAPTER 120.

AN ACT TO REGULATE THE SALARY, COMPENSATION, AND FEES OF COUNTY OFFICERS AND CLERK HIRE OF THE SAME.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. That section one hundred and twenty-four (124) of chapter eight (8) of the general statutes, as amended by section one (1) of chapter ninety (90) of the General Laws of one thousand eight hundred and seventy-one (1871), also amended by section one (1) of chapter twenty-seven (27) of General Laws of one thousand eight hundred and seventy-five (1875), be amended so as to read as follows:

Salaries of  
county audi-  
tors—how  
regulated.

Sec. 124. The salary of the county auditors shall be regulated by the value of the property in their respective counties, as fixed by the State board of equalization for the preceding year, as follows: In counties where the amount of taxable property does not exceed the sum of one (1) and one-half ( $\frac{1}{2}$ ) million dollars, they shall be entitled to receive six (6) mills on each dollar of the first one (1) hundred thousand dollars, and one (1) mill on each dollar of all amounts in excess of said last named sum, and less than two (2) hundred thousand dollars, and one-third ( $\frac{1}{3}$ ) of one (1) mill on each dollar on all amounts in excess of said last named sum. In counties where the value of the taxable property for the preceding year, as fixed by the said board of equalization, exceeds the sum of one (1) and one-half ( $\frac{1}{2}$ ) million dollars, the county auditor shall be entitled to receive five (5) mills on each dollar of the first one (1) hundred thousand dollars, and

one-half ( $\frac{1}{2}$ ) of one (1) mill on each dollar of all amounts in excess of said sum and less than two (2) million dollars, and one-fifth ( $\frac{1}{5}$ ) of one (1) mill on each dollar of all sums in excess thereof. In [all] counties where the valuation of taxable property exceeds one (1) million dollars, the county auditor shall be allowed for clerk hire one-fifth ( $\frac{1}{5}$ ) of one (1) mill on each dollar of such amount of taxable property not exceeding five (5) million dollars, and on all sums in excess of five (5) million dollars, one twentieth ( $\frac{1}{20}$ ) of one (1) mill on each dollar thereafter. *Provided*, that no county auditor shall receive more than twelve (12) hundred dollars per annum for his personal services in counties where the valuation does not exceed four (4) million dollars, nor more than fifteen (15) hundred dollars in counties where the valuation exceeds four (4) million dollars, and does not exceed six (6) million dollars, nor more than two (2) thousand dollars in counties where such valuation exceeds eight (8) million dollars and does not exceed ten (10) million dollars, nor more than two (2) thousand five (5) hundred dollars where such valuation exceeds ten (10) million dollars. And all moneys received as fees or percentage in excess of the amounts provided for in this act shall be paid by the auditor at the end of each year into the revenue fund of the county.

SEC. 2. The allowance for clerk hire in all cases shall be for actual services rendered, and shall be paid quarterly, to such clerk or clerks, by the treasurer of the county, upon the order of the county auditor accompanied by his certificate that such services have been rendered, and in no case shall the county auditor be entitled to receive allowance for clerk hire, unless such service has been rendered.

Clerk hire—  
payments for.

SEC. 3. That section one hundred and fifty (150) of chapter eight (8) of the General Statutes, as amended by section one (1), chapter thirty-nine (39) of the General Laws of one thousand eight hundred and seventy-three (1873), also amended by section two (2) of chapter twenty-seven (27) of General Laws of one thousand eight hundred and seventy-five (1875), be amended so as to read as follows:

Section 150. The county treasurer shall be allowed, at the time of his settlement, all sums paid by him for printing such advertisements as he is required at the rates prescribed by law, and all the sums paid by him for blank books and stationery necessarily used in his office; and shall receive for his services one-half ( $\frac{1}{2}$ ) of one (1) per cent. as fees for receiving and disbursing all moneys on account of sales of school lands or the payment of interest on school lands, and on all other moneys by him collected or received as such county treasurer for each year's services as follows: Four and one-half cents ( $4\frac{1}{2}$ ) on each dollar for the first (1st) ten thousand dollars (\$10,000); three (3) cents on each dollar on the second (2d) ten thousand dollars (\$10,000); and two (2) cents on each dollar on all sums over twenty thousand dollars (\$20,000) and

Salaries of  
county treasurers—how  
regulated.

less than sixty thousand dollars (\$60,000), and one (1) per cent. on each dollar on all sums over sixty thousand dollars (\$60,000); to [be] paid on the warrants of the county auditor out of the revenue fund of the county. *Provided*, that no compensation be allowed the treasurer on any moneys received from his predecessors in office or his legal representatives, or on any moneys received from the current school fund of the State apportioned by the Superintendent of Public Instruction. *Provided*, that no treasurer shall receive more than twelve hundred dollars (\$1,200) for his personal services in any one year, in counties where the valuation of taxable property is less than four million dollars (\$4,000,000); nor more than fifteen hundred dollars (\$1,500) in counties where the valuation of the taxable property exceeds four million dollars (\$4,000,000), and does not exceed six million dollars (\$6,000,000); nor more than two thousand dollars (\$2,000) where such valuation exceeds eight million dollars (\$8,000,000) and does not exceed ten million dollars (\$10,000,000); nor more than two thousand five hundred dollars (\$2,500) where such valuation exceeds ten million dollars (\$10,000,000); and all moneys received as fees or percentage in excess of amount provided for in this act, shall be paid by the county treasurer, at the end of each year, into the revenue fund of the county.

SEC. 4. That section twenty-four (24) of chapter seventy (70) of the Statutes of one thousand eight hundred and sixty-six (1866), fixing the fees of register of deeds, be amended so as to read as follows :

#### FEEES OF REGISTER OF DEEDS.

For entering or recording any deed or other instrument, ten (10) cents for each folio, to be paid when the same is left for record.

For every certificate, ten (10) cents.

For copies of any records or papers when required, ten (10) cents for each folio.

For translations for record and recording any deed or other paper coming from a foreign country, in any other than the English language, twenty-five (25) cents per folio.

Every entry of a discharge of mortgage, ten (10) cents.

Filing every other paper and making an entry thereof when necessary, ten (10) cents.

Searching for every such paper on request, five (5) cents for every paper examined.

Searching the record, ten (10) cents.

For an abstract of title, twenty-five (25) cents for every transfer, and twenty-five (25) cents for his certificate.

SEC. 5. That section two (2) of chapter seventy (70) of the Statutes of one thousand eight hundred and sixty-six (1866), be amended so as to read as follows :

Register of  
Deeds' fees for  
recording and  
filing instru-  
ments.

## FEES OF CLERKS OF DISTRICT COURTS.

For issuing and sealing every writ, summons, subpoena, or process, fifty (50) cents. Clerks of  
court—fees.

Certified copy of such writ, when required, ten (10) cents per folio, and twenty-five (25) cents for certificate.

Entering the return of every writ and filing such writ, ten (10) cents per folio

Entering on appearance, retraxit, discontinuance, non suit, or default, twenty (20) cents.

Entering every rule, order, or motion in term, ten (10) cents for each folio.

Certified copies of rules or orders, ten (10) cents for each folio and twenty-five (25) cents for the certificate.

Every report upon an assessment of damages or other matter referred to him, seventy-five (75) cents, and ten (10) cents per folio for such report when it exceeds five (5) folios.

Every certificate, twenty-five (25) cents.

Calling and swearing grand jury, fifty (50) cents.

Calling and swearing petit jury in civil causes, fifty (50) cents.

Swearing jurors in criminal causes, ten (10) cents for each oath administered

Swearing each witness on trial, ten (10) cents.

Swearing officers to take charge of jury, ten (10) cents.

Entering or taking a recognizance, fifty (50) cents.

Entering a cause in a calendar for the court and making a copy thereof for the bar, twenty (20) cents.

Receiving and entering a verdict, twenty-five (25) cents.

Entering an action without process, fifty (50) cents.

Certified copy of the minutes of a trial when required, ten (10) cents per folio.

Entering a final judgment, when the same does not exceed three (3) folios, fifty (50) cents, and ten (10) cents for each additional folio.

Copy of judgment to be attached to judgment roll, ten (10) cents for each folio.

Entering satisfaction of judgment, twenty (20) cents for each judgment debtor.

Drawing a special jury, seventy-five (75) cents.

Filing every paper, five (5) cents.

Copies and exemplifications of records and pleadings, ten (10) cents for each folio.

Searching the records or files in his office if a copy is not required, twenty (20) cents for the records or files of each year.

Administering oath, not otherwise provided for herein, twenty-five (25) cents.

Recording credentials of ordination of ministers, and giving a certificate, seventy-five (75) cents.

Recording certificate of solemnization of marriage, fifty (50) cents.

Fees of clerks  
of courts.

Filing and docketing transcripts of judgment from another county, or from justice court, when but one judgment debtor, twenty-five (25) cents, and ten (10) cents for each additional judgment debtor.

Entering an appeal or transcript from justice court, fifty (50) cents.

Entering a surrender of bail, twenty-five (25) cents.

Issuing commission to take deposition, one dollar (\$1).

Issuing venire facias, one dollar (\$1).

Certificate of jurors, and witness attendance at court, fifteen (15) cents.

Entering forfeiture of recognizance, twenty-five (25) cents.

Entering discharge of bail, twenty-five (25) cents.

Entering a declaration to become a citizen of the United States, fifty (50) cents.

A certified copy of such declaration under the seal of the court, fifty (50) cents.

Entering the final admission of an alien to the rights of citizenship, fifty (50) cents.

A certified copy thereof, under the seal of the court, fifty (50) cents.

Making docket entries of judgments, twenty (20) cents for each judgment debtor.

Admission of attorneys, one dollar (\$1).

Taxing costs, fifty (50) cents.

Certified copy of marriage record, fifty (50) cents.

Certified transcript of docket entry, fifty (50) cents.

Attendance on court, for each day of actual session, three dollars (\$3).

For all other services required by law to be performed by such clerk respectively, such fees as compare favorably with the rates herein prescribed and as may be established by general rule or order of the court.

Officers and  
counties ex-  
empted.

SEC. 6. The provisions of this act shall not affect the salary of any county officer whose salary is now provided for by a special law for such county fixing his salary; nor to the salary, fees, or clerk hire of county auditor or county treasurer of the county of Dodge, but such officers shall be entitled to receive only such salary, fees and clerk hire as is now by law provided; nor the fees of register of deeds and clerks of the district court in counties where the valuation of the taxable property of the county does not exceed one million dollars (\$1,000,000); nor to the counties of Ramsey or Hennepin.

SEC. 7. All acts or parts of acts heretofore or now existing inconsistent with the provisions of this act, are hereby repealed.

SEC. 8. This act shall take effect and be in force on and after the date of its passage. When act to take effect.

Approved February 15, 1877.

### CHAPTER 121.

AN ACT TO REPEAL TITLE ONE (1) OF CHAPTER EIGHTY-ONE (81) OF THE GENERAL LAWS OF MINNESOTA, REVISION OF ONE THOUSAND EIGHT HUNDRED AND SIXTY-SIX (1866), EXCEPT SECTIONS THREE (3), FOUR (4) NINE (9), ELEVEN (11), FOURTEEN (14), [FIFTEEN (15)] AND SEVENTEEN (17), RELATING TO FORECLOSURE OF MORTGAGES.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. That title one (1) of chapter eighty-one (81) of the General Laws of Minnesota, Revision of one thousand eight hundred and sixty-six (1866), except sections three (3), four (4), nine (9), eleven (11), fourteen (14), fifteen (15) and seventeen (17), be and the same is hereby repealed. *Provided*, that this act shall not affect any proceeding commenced prior to April first (1st), one thousand eight hundred and seventy-seven (1877), and all proceedings for foreclosure commenced prior to April one (1), one thousand eight hundred and seventy-seven (1877), may be completed and perfected with the same force and effect as prior to the passage of this act. Repeal of law relating to foreclosure by advertisement.

SEC. 2. This act shall take effect and be in force from and after its passage. When act to take effect.

Approved March 3, 1877.